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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re H.C., et al., Persons Coming Under
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

L.V.,

Defendant and Appellant.

E062956

(Super.Ct.No. RIJ1300581)

OPINION

APPEAL from the Superior Court of Riverside County. Tamara L. Wagner,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Reversed with directions.

Megan Turkit-Schirn, under appointment by the Court of Appeal, for Defendant
and Appellant.

Gregory P. Priamos, County Counsel, Anna M. Marchand, Deputy County
Counsel, for Real Party in Interest.

L.V., the mother of H.C. and D.C., appealed from a judgment terminating her parental rights as to the minors. (Welf. & Inst. Code, § 366.26.) L.V. filed an opening brief contending that the juvenile court failed to adequately comply with the inquiry and notice requirements of the Indian Child Welfare Act (ICWA). (25 U.S.C. § 1901 et seq.; Cal. Rules of Court, rule 5.480 et seq.) On June 26, 2015, the parties filed a joint application and stipulation for reversal of judgment and remand. After our own careful review of the entire record, we conclude that the juvenile court did fail to adequately comply with the inquiry and notice requirements of ICWA, and we reverse with the requested directions.

FACTS

The children were detained in May 2013. On May 28, 2013, L.V. filed a Notification of Indian Status indicating that she may have Apache ancestry through L.V.'s grandmother. The ICWA notices filed with the court on June 24, 2013, listed the children's maternal grandmother's and great-grandmother's names but no other information. The ICWA notices filed June 24, 2013, were sent to a number of Apache tribes. The court found that ICWA did not apply.

The court terminated L.V.'s parental rights as to H.C and D.C. at the Welfare and Institutions Code section 366.26 hearing held February 17, 2015.

STIPULATION

A stipulated reversal under Code of Civil Procedure section 128, subdivision (a)(8) is permissible in a dependency case when the parties agree that reversible error

occurred, and the stipulated reversal will expedite the final resolution of the case on the merits. (*In re Rashad H.* (2000) 78 Cal.App.4th 376, 380-382.) In the stipulation, the parties agree that insufficient notice was provided under the provisions of ICWA and that reversal of the judgment is appropriate with directions to the juvenile court to make a proper ICWA inquiry. Notice under ICWA must contain sufficient information to determine the child's direct ancestors. This information includes the names of biological parents and grandparents as well as their current and former addresses, birthdates, and places of birth and death. (Welf. & Inst. Code, § 224.2, subd. (a)(5)(C); *In re Francisco W.* (2006) 139 Cal.App.4th 695, 703.) ICWA notice requirements are strictly construed. (*In re Francisco W.*, *supra*, 139 Cal.App.4th at p. 703.) Reversal is therefore appropriate given the Department's and juvenile court's failure to provide adequate ICWA notice. (See e.g., *In re A.B.* (2008) 164 Cal.App.4th 832, 839.) Although only mother L.V. appealed, the parental rights termination order must be reversed as to both mother and father. (*In re Mary G.* (2007) 151 Cal.App.4th 184, 208.)

DISPOSITION

The order terminating parental rights is reversed as to both parents.

The juvenile court is directed to order the Department to provide adequate notice, which contains information concerning L.V.'s relatives pursuant to the provisions of ICWA. If after proper notice and inquiry a tribe determines that D.C. and H.C. are Indian children as defined by ICWA, the juvenile court is directed to conduct a new Welfare and Institutions Code section 366.26 hearing in conformity with the provisions of ICWA. If

there is no response or the tribes determine that D.C. and H.C. are not Indian children, the juvenile court is directed to reinstate all previous findings and terminate parental rights.

Pursuant to the parties' stipulation, the clerk of this court is directed to issue the remittitur immediately. (Cal. Rules of Court, rule 8.272(c)(1).)

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

McKINSTER
J.